



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,315	01/04/2006	Takeshi Iwatsu	277510US6PCT	8351

22850 7590 12/29/2006
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

SAFAIPOUR, BOBBAK

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/563,315	Applicant(s) IWATSU ET AL.	
	Examiner Bobbak Safaipour	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-17 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/1/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement submitted on 5/1/2006 has been considered by the Examiner and made of record in the application file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **Mackintosh et al (US Patent # 6,317,784 B1)**.

Consider **claim 1**, Mackintosh et al disclose an information provision method characterized by comprising the steps of:

sequentially storing associated information concerning an on-air program (read as tracks of music) in storage means and accepting an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an

Art Unit: 2618

identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.);

reading the associated information stored in the storage means in accordance with timing of accepting the acquisition request and transmitting the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; figure 1; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

when the on-air program changes to a next program, updating the associated information which should be read from the storage means for transmission (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 8**, Mackintosh et al disclose an information provision apparatus characterized by comprising:

storage means for sequentially storing associated information concerning an on-air program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1);

acquisition request acceptance means for accepting an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.);

associated information transmission means for reading the associated information stored in the storage means synchronously with timing to accept the acquisition request by the request acceptance means and transmitting the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

update means for, when the on-air program changes to a next program, updating the associated information which should be read from the storage means for transmission. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 13**, Mackintosh et al disclose an information provision program allowing an information processing apparatus to perform the steps of:

sequentially storing associated information concerning an on-air program in the storage means (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1);;

accepting an acquisition request for the associated information from a broadcast receiver to receive a broadcast signal for the program (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.);

reading the associated information stored in the storage means synchronously with timing to accept the acquisition request and transmitting the associated information to the broadcast receiver (col. 5, lines 38-51; col. 6, lines 40-45; col. 7, lines 23-30; The broadcast materials that are being broadcast can be sent in real time as the broadcast materials are being broadcast or in advance of the delivery of the broadcast materials); and

when the on-air program changes to a next program, updating the associated information which should be read from the storage means for transmission (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7; When the data is provided by program provider in advance of the broadcast material, the data server can build a schedule for retrieval of the supplemental materials and their

Art Unit: 2618

delivery to user equipment. The supplemental materials are provided to user equipment such that they can be presented to user equipment in coordination with the broadcast materials).

Consider **claim 2**, and as applied to **claim 1 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update step removes the associated information which was transmitted at the associated information transmission step until the program changes to the next program. (col. 5, lines 38-51; col. 6, line 56 to col. 7, line 7)

Consider **claim 3**, and as applied to **claim 1 above**, Mackintosh et al disclose the claimed invention wherein the update step changes the associated information transmitted until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6, line 56 to col. 7, line 7)

Consider **claim 5**, and as applied to **claim 1 above**, Mackintosh et al disclose the claimed invention wherein the associated information concerning a production which differs from the on-air program (read as image from an album cover) and is broadcast in the program is sequentially stored in the storage means the moment that the production starts being broadcast (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; col. 23, lines 7-25, figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be

Art Unit: 2618

sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the update step updates the associated information transmitted at the associated information transmission step to associated information concerning the new production the moment that a next new production starts being broadcast (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7).

Consider **claim 6**, and as **applied to claim 5 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update step removes the associated information concerning the production which was transmitted at the associated information transmission step until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 7**, and as **applied to claim 5 above**, Mackintosh et al disclose the claimed invention wherein the update step changes the associated information concerning the production transmitted until changeover to the next program to associated information concerning the new production. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 9**, and as **applied to claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update

Art Unit: 2618

means removes the associated information which was transmitted by the associated information transmission means until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 10**, and **as applied to claim 8 above**, Mackintosh et al disclose the claimed invention wherein the update step changes the associated information transmitted until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 11**, and **as applied to claim 8 above**, Mackintosh et al disclose the claimed invention wherein the storage means sequentially stores the associated information concerning a production which differs from the on-air program (read as image from an album cover) and is broadcast in the program the moment that the production starts being broadcast (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20, col. 23, lines 7-25; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the update means updates the associated information transmitted by the associated information transmission means to associated information concerning the new production the

Art Unit: 2618

moment that a next new production starts being broadcast. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7)

Consider **claim 12**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update means removes the associated information concerning the production which was transmitted by the associated information transmission means until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 12**, and as applied to **claim 8 above**, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update means removes the associated information concerning the production which was transmitted by the associated information transmission means until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 14**, and as applied to **claim 13 above**, Mackintosh et al disclose the claimed invention wherein the on-air program changes to a next program, the update step removes the associated information which was transmitted at the associated information transmission step until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 15**, and as applied to **claim 13** above, Mackintosh et al disclose the claimed invention wherein update step changes the associated information transmitted until changeover to the next program to associated information concerning the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 16**, and as applied to **claim 13** above, Mackintosh et al disclose the claimed invention wherein the storage step sequentially stores the associated information concerning a production which differs from the on-air program and is broadcast in the program the moment that the production starts being broadcast (col. 2, lines 40-58; col. 5, lines 38-51; col. 6, lines 5-20; figure 1; Program provider can provide to data server an identification of the broadcast materials that are being broadcast or others provided to user equipment. This data can be sent in real time as the broadcast materials are being broadcast or otherwise sent to user equipment or the data can be sent in advance of the delivery of the broadcast materials, wherein a schedule for the programming materials such that supplemental information associated with the broadcast materials can be coordinated with the broadcast materials.); and

the update step updates the associated information transmitted at the associated information transmission step to associated information concerning the new production the moment that a next new production starts being broadcast. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Consider **claim 17**, and as applied to **claim 13** above, Mackintosh et al disclose the claimed invention wherein when the on-air program changes to a next program, the update step

Art Unit: 2618

removes the associated information concerning the production which was transmitted at the associated information transmission step until the program changes to the next program. (col. 5, lines 38-51; col. 6 line 56 to col. 7, line 7, col. 23, lines 7-25)

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Consider **4**, and as **applied to claim 1 above**, the best prior art of record found during the examination of the present application, **Mackintosh et al (US Patent # 6,317,784 B1)**, fail to specifically disclose, teach, or suggest an information provision method wherein characterized in that at the acquisition request acceptance step, a server to provide the associated information receives request information which requests the associated information and a service session ID equivalent to a session ID associated with the associated information provision server transmitted from the broadcast receiver;

the associated information provision server performs an authentication process based on the service session ID and, when an authentication error occurs, transmits information indicating the authentication error and service identification information for identifying the associated information provision server to the broadcast receiver;

an authentication server receives authentication ticket issuance request information which requests to issue an authentication ticket for access to the associated information provision server

Art Unit: 2618

as well as an authentication session ID equivalent to a session ID associated with the authentication server from the broadcast receiver;

the authentication server authenticates the authentication session ID, when granting an authentication, issues an authentication ticket, and transmits the issued authentication ticket to the broadcast receiver;

the associated information provision server receives the authentication ticket transmitted from the broadcast receiver and transmits the received authentication ticket to the authentication server;

the authentication server, when authenticating the received authentication ticket to be valid, transmits information indicating authentication permission to the associated information provision server;

the associated information provision server receives the information indicating authentication permission, issues a service session ID as a session ID associated with the broadcast receiver, and transmits the issued service session ID to the broadcast receiver;

at the associated information transmission step, the associated information provision server receives request information to request the associated information as well as the service session ID from the broadcast receiver; and

the associated information provision server performs an authentication process using the service session ID and, when granting an authentication, transmits associated information corresponding to the request information to the broadcast receiver.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipour whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Art Unit: 2618

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Bobbak Safaipour
B.S./bs

December 15, 2006

EDAN ORGAD
PATENT EXAMINER/TELECOMM

Edan Orgad 12/19/06